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9 Attorneys for Defendant Ada Mae Woffinden *nee* Johnson

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 VIOLET BLUE, an individual,
14 Plaintiff/Counter-Defendant,
15 vs.
16 ADA MAE JOHNSON, et al.,
17 Defendant/Counter-Plaintiff.

Case No.: C 07-5370 SI

**DECLARATION OF ROBERT S.
APGOOD IN SUPPORT OF DEFENDANT
WOFFINDEN'S RESPONSE IN
OPPOSITION TO PLAINTIFF'S MOTION
TO STRIKE FIFTH COUNTERCLAIM
AND MOTION TO DISMISS THIRD AND
FOURTH COUNTERCLAIMS**

Hon. Susan Illston
Courtroom 10, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

**Hearing Date: April 04, 2008
Hearing Time: 9:00 AM**

23
24 COMES NOW, Robert S. Apgood, and upon his oath does declare and state as follows:

25 1. I am at least 18 years of age, have personal knowledge of the matters averred herein and,
26 if called to testify, could and would testify to the matters averred herein;

27 2. I am an attorney of record in the above-captioned matter for the Defendant, Ada
28 Woffinden;

1 3. Attached hereto as Exhibit A is a true and correct copy of a printout dated March 13,
2 2008 of a written document from Plaintiff's Web site dated February 21, 2008 available Online at the
3 URL <http://www.tinynibbles.com/blogarchives/2008/02/its-not-a-proble>. Superfluous advertising has
4 been deleted without disturbing the substantive portion of the document;

5 4. Attached hereto as Exhibit B is a true and correct copy of a printout dated March 13,
6 2008 of the United States Patent and Trademark Office Trademark Electronic Search System results for
7 Plaintiff's registered trademark VIOLET BLUE, Registration No. 3391010, registered March 4, 2008.

8 I declare, under penalty of proof of perjury under the laws of the United States that, to the best of
9 my knowledge, the foregoing is true and accurate.

10 FURTHER YOUR DECLARANT SAYETH NAUGHT.

11 DATED THIS 14th day of March 2008. Signed at Seattle, Washington.

12 Respectfully submitted,

13 CARPELAW PLLC

14 /s/ Robert S. Apgood

15 Robert S. Apgood, *Pro Hac Vice*

16 WSBA # 31023

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